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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Angela Odurowaa Adu and)
Dziedzorm Dzisenu, individually,)
and as husband and wife,)
Plaintiffs,)
vs.)
United States of America,)
Defendant.)
_____)

Case no. _____

Complaint

COME NOW plaintiffs, Angela Odurowaa Adu and Dziedzorm Dzisenu

1 and for their cause of action against defendant United States of America, allege as
2 follows:

3 1) At all times relevant hereto, the Bassett Army Community Hospital
4 [hereinafter "Bassett"] was and is a comprehensive state-of-the-art medical care
5 facility, serving as an agent of defendant United States of America.

6 2) Upon information and belief, and at all times pertinent, Karen Fell
7 [hereinafter "Fell"] was employed by Bassett as an adult nurse-practitioner,
8 certified as a "certified nurse practitioner" within the contemplation of
9 AS 08.68.230(f)(3), and acting within that role.

10 3) Upon information and belief, Fell was at all times pertinent acting in
11 her capacity as a certified nurse practitioner within the contemplation of
12 AS 08.68.230(f)(3).

13 4) At all times relevant, adult plaintiffs Angela Odurowaa Adu
14 [hereinafter "Angela"] and Dziedzorm Dzisenu [hereinafter "Dziedzorm"] were
15 residents of Fort Wainwright, Alaska, in the District of Alaska.

16 5) At all times relevant hereto, Angela and Dziedzorm were validly
17 married as husband and wife.

18 6) In or around February of 2015, Angela became pregnant with a
19 female child fathered by Dziedzorm.

20 7) Angela and Dziedzorm named the unborn child Kaylan Rhonda
21 Thomasson [hereinafter "Kaylan"].

22 8) At all times pertinent, plaintiffs and Kaylan were Bassett's patients.

23 9) Throughout the spring and summer of 2015, Angela and Kaylan
24 underwent prenatal monitoring and medical care provided by and at Bassett.

25 Complaint

Adu v. United States of America

2

10) Nurse-practitioner Fell was among those who tended to, treated, and advised Angela.

11) Each of the employees, staff members, and care-providers who tended to, or treated, Angela and Kaylan were acting within the scope of their employment and/or agency at the time of the events described herein.

12) In or around September 3, 2015, Angela and Kaylan presented to Bassett and Fell with clear and obvious signs and symptoms of eclampsia and preeclampsia -- a pregnancy condition that poses a clear and mortal threat to fetuses.

13) Bassett's personnel failed to timely diagnose and treat the eclampsia/preeclampsia condition.

14) The failure to do so constituted breaches of the applicable standards of care.

15) Said breaches in the standards of care constituted both negligence and recklessness under AS 09.55.549(f).

16) The negligence and recklessness alleged herein directly and proximately caused Kaylan's death and stillbirth, and Angela's mental anguish and physical injuries.

17) As a direct and proximate result of the negligence, fetal demise, and stillbirth alleged herein, plaintiffs have suffered both economic- and non-economic losses, past and future, including but not limited to: Kaylan's pre-death pain and suffering; Kaylan's loss of future earnings and non-market services; Angela's mental anguish and physical injuries; medical expenses; emotional distress and psychological injuries; loss of the child's services and contributions, and; loss of child consortium.

Complaint

Adu v. United States of America

3

18) The claims presented herein arise under the Federal Tort Claims Act 28 U.S.C. 1346, 2401, and 2671 *et seq.*, and Alaska law.

19) More than six months ago, plaintiffs presented the claims alleged herein to the United States Army Office of the Staff Judge Advocate, Fort Wainright Law Center.

20) Because the Office has failed to make a final disposition of the claims within six months, it has effectively denied plaintiffs' claims.

* * * * *

WHEREFORE, plaintiffs pray for judgment as follows:

- 1) For compensatory damages in their favor against defendant United States, as alleged;
- 2) For costs and attorney's fees, as appropriate.
- 3) For such other relief as the court may deem just and proper.

DATED at Anchorage, Alaska, this 16th day of February, 2018.

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Angela Odurowaa Adu and Dziedzorm Dzisenu

s/ David Henderson
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Complaint
Adu v. United States of America